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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,536	05/26/2000	Thomas W. McCaslin	BASI.IP2013	9622

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EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,536

Applicant(s)

MCCASLIN, THOMAS W.

Examiner

F. J. BARTUSKA

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-49 is/are pending in the application.
- 4a) Of the above claim(s) 22-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-21 and 35-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15, 18-21, 35-38, 40, 43 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al, of record, in view of Byford, of record, and Knoblock et al, cited herewith. Harris et al show an automated system and method for matching available equipment to a recipient including an equipment database 32 that includes attributes of the equipment, see col. 6, lines 40-43 and col. 8, lines 1-23, a database manager 33, a database maintenance module that loads the data into the database, an inquiry module 30, an inventory module that updates the data after a match, a transportation module that controls shipping, a module that tracks the location history of the equipment, see col. 12, line 63 to col. 13, line 2 and col. 13, lines 30-38. Periodic searching of the database is disclosed in col. 6, line 36

and col. 11, lines 34-44. Harris et al does not disclose a module for tracking the equipment between a plurality of service centers or a module that records installation and removal of equipment. Byford discloses a system for tracking the location of packages between a plurality of service centers that allows a client to always know the location of a package. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Byford to provide the system of Harris et al with means to track the location of the equipment so that its location is always known. Knoblock et al disclose a system and method for recording the installation and removal of equipment to allow planners to view placement and configuration of equipment in a time dependent manner, see col. 17, lines 21-33 and col. 18, lines 35-50. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Knoblock et al to provide the system of Harris et al with means to record installation and removal information to allow planners to view placement and configuration of equipment in a time dependent manner.

Claims 14 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford and Knoblock et al as applied to claim 1 above and further in view of Ruffolo et al. Harris et al, as modified by Byford and Knoblock et al, show all the features of the applicant's claimed invention except the equipment being a transformer. Ruffolo et al disclose an inventory tracking system for transformers; see col. 1, line 22. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Ruffolo et al to include transformers in the equipment that is tracked in the system of Harris et al.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford and Knoblock et al as applied to claim 1 above. Further, Byford discloses an inventory tracking system including a bar code scanner to enter data, see col. 2, lines 34-38. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Byford to provide the system of Harris et al with a bar code scanner to enter data into the database.

Claims 41 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford, Knoblock et al and Ruffolo et al as applied to claim 14 above. Further, merely calling for the equipment to be capacitors or switch gear would have been obvious to one of ordinary skill in the art in view of the electrical gear disclosed in Ruffolo et al.

Claims 44 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford and Knoblock et al as applied to claim 1 above in further view of Dietrich et al. Harris et al, as modified by Byford and Knoblock et al, disclose all the features of the applicant's claimed invention except the driver planning information. Dietrich et al disclose in col. 6, lines 25-60 driver planning information to efficiently deliver packages. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Dietrich et al to provide the system of Harris et al with driver planning information to efficiently deliver the equipment.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford and Knoblock et al, as applied to

claim 1 above. Further, merely calling for shipped equipment to include shipping weight, shipment time and bill of lading information involves only notorious expedients to one of ordinary skill in the shipping art.

Election/Restrictions

1. Claims 22-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Response to Arguments

The applicant's remarks have been considered but have not been found persuasive in view of the newly cited reference to Knoblock et al, which discloses recording installation and removal information.

Since the applicant has not traversed the examiner's assertion of official notice that calling for shipped equipment to include shipping weight, shipment time and bill of lading information involves only notorious expedients to one of ordinary skill in the shipping art; the common knowledge or well-known in the art statement is taken to be admitted prior art. See MPEP 2144.03.

Conclusion

The reference on the Information Disclosure Statement PTO-1449 filed 11 December 2001 that was not initialed by the examiner has not been considered because the applicant has not submitted a copy of the reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


F. J. BARTUSKA
PRIMARY EXAMINER 12/5/03